

106TH CONGRESS
1ST SESSION

H. R. 1238

To combat the crime of international trafficking and to protect the rights
of victims.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 1999

Ms. SLAUGHTER introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To combat the crime of international trafficking and to
protect the rights of victims.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Traf-
5 ficking of Women and Children Victim Protection Act of
6 1999”.

7 **SEC. 2. FINDINGS.**

8 Congress makes the following findings:

1 (1) The worldwide trafficking of persons has a
2 disproportionate impact on women and girls and has
3 been and continues to be condemned by the inter-
4 national community as a violation of fundamental
5 human rights.

6 (2) The fastest growing international traf-
7 ficking business is the trade in women, whereby
8 women and girls seeking a better life, a good mar-
9 riage, or a lucrative job abroad, unexpectedly find
10 themselves in situations of forced prostitution,
11 sweatshop labor, exploitative domestic servitude, or
12 battering and extreme cruelty.

13 (3) Trafficked women and children, girls and
14 boys, are often subjected to rape and other forms of
15 sexual abuse by their traffickers and often held as
16 virtual prisoners by their exploiters, made to work in
17 slavery-like conditions, in debt bondage without pay
18 and against their will.

19 (4) The President, the First Lady, the Sec-
20 retary of State, the President's Interagency Council
21 on Women, and the Agency for International Devel-
22 opment have all identified trafficking in women as a
23 significant problem.

24 (5) The Fourth World Conference on Women
25 (Beijing Conference) called on all governments to

1 take measures, including legislative measures, to
2 provide better protection of the rights of women and
3 girls in trafficking, to address the root factors that
4 put women and girls at risk to traffickers, and to
5 take measures to dismantle the national, regional,
6 and international networks on trafficking.

7 (6) The United Nations General Assembly, not-
8 ing its concern about the increasing number of
9 women and girls who are being victimized by traf-
10 fickers, passed a resolution in 1998 calling upon all
11 governments to criminalize trafficking in women and
12 girls in all its forms and to penalize all those offend-
13 ers involved, while ensuring that the victims of these
14 practices are not penalized.

15 (7) Numerous treaties to which the United
16 States is a party address government obligations to
17 combat trafficking, including such treaties as the
18 1956 Supplementary Convention on the Abolition of
19 Slavery, the Slave Trade and Institutions and Prac-
20 tices Similar to Slavery, which calls for the complete
21 abolition of debt bondage and servile forms of mar-
22 riage, and the 1957 Abolition of Forced Labor Con-
23 vention, which undertakes to suppress and requires
24 signatories not to make use of any forced or compul-
25 sory labor.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are to condemn and combat
3 the international crime of trafficking in women and chil-
4 dren and to assist the victims of this crime by—

5 (1) setting a standard by which governments
6 are evaluated for their response to trafficking and
7 their treatment of victims;

8 (2) authorizing and funding an interagency task
9 force to carry out such evaluations and to issue an
10 annual report of its findings to include the identi-
11 fication of foreign governments that tolerate or par-
12 ticipate in trafficking and fail to cooperate with
13 international efforts to prosecute perpetrators;

14 (3) assisting trafficking victims in the United
15 States by providing humanitarian assistance and by
16 providing them temporary nonimmigrant status in
17 the United States;

18 (4) assisting trafficking victims abroad by pro-
19 viding humanitarian assistance; and

20 (5) denying certain forms of United States for-
21 eign assistance to those governments which tolerate
22 or participate in trafficking, abuse victims, and fail
23 to cooperate with international efforts to prosecute
24 perpetrators.

25 **SEC. 4. DEFINITIONS.**

26 In this Act:

1 (1) POLICE ASSISTANCE.—The term “police
2 assistance”—

3 (A) means—

4 (i) assistance of any kind, whether in
5 the form of grant, loan, training, or other-
6 wise, provided to or for foreign law en-
7 forcement officials, foreign customs offi-
8 cials, or foreign immigration officials;

9 (ii) government-to-government sales of
10 any item to or for foreign law enforcement
11 officials, foreign customs officials, or for-
12 eign immigration officials; and

13 (iii) any license for the export of an
14 item sold under contract to or for the offi-
15 cials described in clause (i); and

16 (B) does not include assistance furnished
17 under section 534 of the Foreign Assistance
18 Act of 1961 (22 U.S.C. 2346c; relating to the
19 administration of justice) or any other assist-
20 ance under that Act to promote respect for
21 internationally recognized human rights.

22 (2) TRAFFICKING.—The term “trafficking”
23 means the use of deception, coercion, debt bondage,
24 the threat of force, or the abuse of authority to re-
25 cruit, transport within or across borders, purchase,

1 sell, transfer, receive, or harbor a person for the
2 purpose of placing or holding such person, whether
3 for pay or not, in involuntary servitude, or slavery
4 or slavery-like conditions, or in forced, bonded, or
5 coerced labor.

6 (3) VICTIM OF TRAFFICKING.—The term “vic-
7 tim of trafficking” means any person subjected to
8 the treatment described in paragraph (2).

9 **SEC. 5. INTER-AGENCY TASK FORCE TO MONITOR AND**
10 **COMBAT TRAFFICKING.**

11 (a) ESTABLISHMENT.—

12 (1) IN GENERAL.—There is established within
13 the Department of State in the Office of the Sec-
14 retary of State an Inter-Agency Task Force to Mon-
15 itor and Combat Trafficking (in this section referred
16 to as the “Task Force”). The Task Force shall be
17 co-chaired by the Assistant Secretary of State for
18 Democracy, Human Rights, and Labor Affairs and
19 the Senior Coordinator on International Women’s
20 Issues, President’s Interagency Council on Women.

21 (2) APPOINTMENT OF MEMBERS.—The mem-
22 bers of the Task Force shall be appointed by the
23 Secretary of State. The Task Force shall consist of
24 no more than twelve members.

1 (3) COMPOSITION.—The Task Force shall in-
2 clude representatives from the—

3 (A) Violence Against Women Office, Office
4 of Justice Programs, Department of Justice;

5 (B) Office of Women in Development,
6 United States Agency for International Devel-
7 opment; and

8 (C) Bureau of International Narcotics and
9 Law Enforcement Affairs, Department of State.

10 (4) STAFF.—The Task Force shall be author-
11 ized to retain up to five staff members within the
12 Bureau of Democracy, Human Rights, and Labor
13 Affairs, and the President’s Interagency Council on
14 Women to prepare the annual report described in
15 subsection (b) and to carry out additional tasks
16 which the Task Force may require. The Task Force
17 shall regularly hold meetings on its activities with
18 nongovernmental organizations.

19 (b) ANNUAL REPORT TO CONGRESS.—Not later than
20 March 1 of each year, the Secretary of State, with the
21 assistance of the Task Force, shall submit a report to Con-
22 gress describing the status of international trafficking,
23 including—

24 (1) a list of foreign states where trafficking
25 originates, passes through, or is a destination; and

1 (2) an assessment of the efforts by the govern-
2 ments described in paragraph (1) to combat traf-
3 ficking. Such an assessment shall address—

4 (A) whether any governmental authorities
5 tolerate or are involved in trafficking activities;

6 (B) which governmental authorities are in-
7 volved in anti-trafficking activities;

8 (C) what steps the government has taken
9 toward ending the participation of its officials
10 in trafficking;

11 (D) what steps the government has taken
12 to prosecute and investigate those officials
13 found to be involved in trafficking;

14 (E) what steps the government has taken
15 to prohibit other individuals from participating
16 in trafficking, including the investigation, pros-
17 ecution, and conviction of individuals involved
18 in trafficking, the criminal and civil penalties
19 for trafficking, and the efficacy of those pen-
20 alties on reducing or ending trafficking;

21 (F) what steps the government has taken
22 to assist trafficking victims, including efforts to
23 prevent victims from being further victimized by
24 police, traffickers, or others, grants of stays of
25 deportation, and provision of humanitarian re-

1 lief, including provision of mental and physical
2 health care and shelter;

3 (G) whether the government is cooperating
4 with governments of other countries to extradite
5 traffickers when requested;

6 (H) whether the government is assisting in
7 international investigations of transnational
8 trafficking networks; and

9 (I) whether the government—

10 (i) refrains from prosecuting traf-
11 ficking victims or refrains from other dis-
12 criminatory treatment towards trafficking
13 victims due to such victims having been
14 trafficked, or the nature of their work, or
15 their having left the country illegally; and

16 (ii) recognizes the rights of victims
17 and ensures their access to justice.

18 (c) REPORTING STANDARDS AND INVESTIGATIONS.—

19 (1) RESPONSIBILITY OF THE SECRETARY OF
20 STATE.—The Secretary of State shall ensure that
21 United States missions abroad maintain a consistent
22 reporting standard and thoroughly investigate re-
23 ports of trafficking.

24 (2) CONTACTS WITH NONGOVERNMENTAL OR-
25 GANIZATIONS.—In compiling data and assessing

1 trafficking for the Human Rights Report and the
2 Inter-Agency Task Force to Monitor and Combat
3 Trafficking Annual Report, United States mission
4 personnel shall seek out and maintain contacts with
5 human rights and other nongovernmental organiza-
6 tions, including receiving reports and updates from
7 such organizations, and, when appropriate, inves-
8 tigating such reports.

9 **SEC. 6. INELIGIBILITY FOR POLICE ASSISTANCE.**

10 (a) INELIGIBILITY.—Except as provided in sub-
11 section (b), any foreign government country identified in
12 the latest report submitted under section 5 as a govern-
13 ment that—

14 (1) has failed to take effective action towards
15 ending the participation of its officials in trafficking;
16 and

17 (2) has failed to investigate and prosecute
18 meaningfully those officials found to be involved in
19 trafficking,
20 shall not be eligible for police assistance.

21 (b) WAIVER OF INELIGIBILITY.—The President may
22 waive the application of subsection (a) to a foreign country
23 if the President determines and certifies to Congress that
24 the provision of police assistance to the country is in the
25 national interest of the United States.

1 **SEC. 7. PROTECTION OF TRAFFICKING VICTIMS.**

2 (a) NONIMMIGRANT CLASSIFICATION FOR TRAF-
3 FICKING VICTIMS.—Section 101(a)(15) of the Immigra-
4 tion and Nationality Act (8 U.S.C. 1101(a)(15)) is
5 amended—

6 (1) by striking “or” at the end of subparagraph
7 (R);

8 (2) by striking the period at the end of sub-
9 paragraph (S) and inserting “; or”; and

10 (3) by adding at the end the following new sub-
11 paragraph:

12 “(T) an alien who the Attorney General
13 determines—

14 “(i) is physically present in the
15 United States, and

16 “(ii) is or has been a trafficking vic-
17 tim (as defined in section 4 of the Inter-
18 national Trafficking of Women and Chil-
19 dren Victim Protection Act of 1999),

20 for a stay of not to exceed 3 months in the
21 United States, except that any such alien who
22 has filed a petition seeking asylum or who is
23 pursuing civil or criminal action against traf-
24 fickers shall have the alien’s status extended
25 until the petition or litigation reaches its con-
26 clusion.”.

1 (b) WAIVER OF GROUNDS FOR INELIGIBILITY FOR
2 ADMISSION.—Section 212(d) of the Immigration and Na-
3 tionality Act (8 U.S.C. 1182(d)) is amended—

4 (1) by inserting “(1)” after “(d)”; and

5 (2) by adding at the end the following:

6 “(2) The Attorney General shall, in the Attor-
7 ney General’s discretion, waive the application of
8 subsection (a) (other than paragraph (3)(E)) in the
9 case of a nonimmigrant described in section
10 101(a)(15)(T), if the Attorney General considers it
11 to be in the national interest to do so.”.

12 (c) INVOLUNTARY SERVITUDE.—Section 1584 of title
13 18, United States Code, is amended—

14 (1) inserting “(a)” before “Whoever”;

15 (2) by striking “or” after “servitude”;

16 (3) by inserting “transfers, receives or harbors
17 any person into involuntary servitude, or” after
18 “servitude,”; and

19 (4) by adding at the end the following:

20 “(b) In this section, the term ‘involuntary servitude’
21 includes trafficking, slavery-like practices in which persons
22 are forced into labor through non-physical means, such as
23 debt bondage, blackmail, fraud, deceit, isolation, and psy-
24 chological pressure.”.

1 (d) TRAFFICKING VICTIM REGULATIONS.—Not later
2 than 180 days after the date of enactment of this Act,
3 the Attorney General and the Secretary of State shall
4 jointly promulgate regulations for law enforcement per-
5 sonnel, immigration officials, and Foreign Service officers
6 requiring that—

7 (1) Federal, State and local law enforcement,
8 immigration officials, and Foreign Service officers
9 shall be trained in identifying and responding to
10 trafficking victims;

11 (2) trafficking victims shall not be jailed, fined,
12 or otherwise penalized due to having been trafficked,
13 or nature of work;

14 (3) trafficking victims shall have access to legal
15 assistance, information about their rights, and trans-
16 lation services;

17 (4) trafficking victims shall be provided protec-
18 tion if, after an assessment of security risk, it is de-
19 termined the trafficking victim is susceptible to fur-
20 ther victimization; and

21 (5) prosecutors shall take into consideration the
22 safety and integrity of trafficked persons in inves-
23 tigating and prosecuting traffickers.

1 **SEC. 8. ASSISTANCE TO TRAFFICKING VICTIMS.**

2 (a) IN THE UNITED STATES.—The Secretary of
3 Health and Human Services is authorized to provide,
4 through the Office of Refugee Resettlement, assistance to
5 trafficking victims and their children in the United States,
6 including mental and physical health services, and shelter.

7 (b) IN OTHER COUNTRIES.—The President, acting
8 through the Administrator of the United States Agency
9 for International Development, is authorized to provide
10 programs and activities to assist trafficking victims and
11 their children abroad, including provision of mental and
12 physical health services, and shelter. Such assistance
13 should give special priority to programs by nongovern-
14 mental organizations which provide direct services and re-
15 sources for trafficking victims.

16 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) AUTHORIZATION OF APPROPRIATIONS FOR THE
18 INTER-AGENCY TASK FORCE.—To carry out the purposes
19 of section 5, there are authorized to be appropriated to
20 the Secretary of State \$2,000,000 for fiscal year 2000 and
21 \$2,000,000 for fiscal year 2001.

22 (b) AUTHORIZATION OF APPROPRIATIONS TO THE
23 SECRETARY OF HHS.—To carry out the purposes of sec-
24 tion 8(a), there are authorized to be appropriated to the
25 Secretary of Health and Human Services \$20,000,000 for
26 fiscal year 2000 and \$20,000,000 for fiscal year 2001.

1 (c) AUTHORIZATION OF APPROPRIATIONS TO THE
2 PRESIDENT.—To carry out the purposes of section 8(b),
3 there are authorized to be appropriated to the President
4 \$20,000,000 for fiscal year 2000 and \$20,000,000 for fis-
5 cal year 2001.

6 (d) PROHIBITION.—Funds made available to carry
7 out this Act shall not be available for the procurement of
8 weapons or ammunition.

○